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SPECIFIC GROUPS AND INDIVIDUALS

Written statement* submitted by Centre Europe - Tiers Monde (CETIM), a non-
governmental organization in general consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

*This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

In Defence of Migrants Rights:

A Call for the Promotion and Protection of the Human Rights of Migrants

1. The 57th session of the Commission on Human Rights resolved to "ensure respect for the human rights and fundamental freedoms of all migrants" based on 25 points which articulate how these rights are to be ensured. At the same time, having recognized the serious challenges to the full enjoyment of human rights and the violations of these rights committed against the many vulnerable groups of people who are forced to live and work outside of their countries of origin, the Commission also decided to take the issue to its 58th session "as a matter of priority¹."

2. In her report last year, the Special Rapporteur underscored the fact that migration "is the result of a combination of factors²," with structural adjustment and neo-liberal economics playing a fundamental role. Indeed, it is our belief that a key factor in addressing the conditions that compel the migration of peoples is that of an economic framework and a development paradigm that undermine the survival of people and communities. For a number of countries in the Third World, the exportation of human labour is a response not only to the crisis of unemployment but also to the need to boost foreign currency earnings through salary remittances of migrants in order to balance off their trade deficit. What governments fail to realize, however, are the social costs of migration leading to a significant breakdown in family and community life, the reinforcement of materialistic and consumerist values, a lowering of self-esteem of migrants, many of whom are victims of racism and discrimination in receiving countries.

3. On the other hand, economic conditions in Europe and other countries require the presence of a pool of labourers in the service, agricultural, industrial and construction sectors, which otherwise would not survive without migrant labour. These sectors mainly benefit from frontier and seasonal workers, many of whom are not accorded immigrant status despite the fact that taxes and other compulsory payments are being paid to the host country. Also, changing lifestyles and gender roles constitute strong pull factors: as women more and more become part of the workforce, domestic labour and child rearing have become part of remunerated work mainly ascribed to migrant women. Ageing populations and the weakening of social support systems are also benefiting from their care.

4. Recent statistics in Western European countries illustrate the growing significance of domestic work as an area of employment for migrants: a 1997 survey in the United Kingdom reveals that £4 billion was spent annually on domestic labour, an amount which is four times higher than in the previous decade; in France, the Employer's Federation claims that 900,000 of their members engage domestic workers; in Italy, one third of work permits went to domestic workers and in Spain, domestic work constitutes the single area of migrant female employment³. These figures reveal a feminisation of migrant labour with all the vulnerabilities this term brings both to migrant women and the circumstances surrounding their employment. In the United Kingdom, a research conducted by Kalayaan, a support group for migrant workers indicated that 84% of migrant domestic workers have experienced psychological abuse, 34% have been beaten, 54% have experienced imprisonment, 55% have not had a bed and 38% have been deprived of food⁴. The research also stated that a significant number

¹ E/CN.4/RES/2001/41.

² E/CN.4/2001/83.

³ Migrant Domestic Workers in Europe: A Case for Action, RESPECT, A European Network of Migrant Domestic Workers, September 2000.

⁴ Ibid, p.2

experienced sexual abuse and physical harm.

5. The process of European integration has resulted to severe immigration policies as well as the weakening of already existing legislations which ensure integration and freedom of movement for the migrant population. The effects of these policies is evident in the number of undocumented migrants in Europe, now estimated to be 5 million or more, as well as in human trafficking by organized crime syndicates which have had its toll in the lives of thousands of migrants and asylum seekers in recent years.

6. The European Union has laid emphasis on formulating a common asylum and immigration policy. The Tampere Report of 1999 stated that a "comprehensive approach to migration addressing political, human rights and development issues (through partnership with third countries)⁵" was necessary. It also emphasized the need for "a more vigorous integration policy for those who legally reside in Member States" as well as "measures against racism and xenophobia⁶", by encouraging Member States to draw up national programmes. However, a real commitment to addressing the challenges related to migration calls for the fundamental act of ratifying the Convention on the Protection of the Rights of All Migrant Workers and Their Families, adopted by the United Nations General Assembly in 1990. To date, only 17 States have signed the Convention and not one Member State from the European Union have acceded to it. Moreover, the aftermath of the September 11 attacks in the United States does not promise much in the way of ensuring the rights of migrants and most especially for those who come under the category of "irregular immigration." In the name of "combating terrorism", stricter controls on the movement of people within the European Union through the Schengen Information System (SIS) as well as broader powers for the Europol to "tackle illegal immigration⁷" have been proposed.

7. As poverty, war, economic recession and natural catastrophes reinforce the movement of peoples the diversity within societies who are hosts to them has become an irreversible reality. Unfortunately, this diversity has not been matched by the needed changes in perception as well as in the development and promotion of policies that guarantee the genuine integration of the migrant population. In this respect, "control" and "repatriation" as hallmarks of migration management in most of the Western European countries have proven to be far from adequate.

8. The emergence of pluralistic societies requires not only the enactment of laws but also the promotion of values that promote harmony, tolerance and respect for the Other. Thus, a culture of respect for human rights needs to be instilled within relevant government institutions. The educational system also plays a critical role in making the necessary changes that take into account pluralism as a positive factor for enhancing and enriching learning. Schools and institutions of learning should be places where the delicate balance between genuine integration and respect for diversity must find common ground.

9. In view of the above, the Europe-Third World Centre (CETIM) calls on the United Nations Commission on Human Rights to take action on the following:

- To urge all Member States to ratify the Convention on the Protection of the Rights of all Migrant Workers and their Families, adopted by the United Nations General Assembly in 1990.
- To advise all Member States to develop their own national legislation on the human rights of migrants in line with international standards as provided for in the Convention for

⁵ Tampere European Council, 15 and 16 October, 1999, Presidency Conclusions, p.3

⁶ Ibid, p. 4

⁷ The Enemy Within, Statewatch Report : www.statewatch.org/news/2001/nov/19sis.htm.

the Protection of the Rights of all Migrant Workers and their Families and other international human rights instruments.

- To urge all Member States to work with Non-Governmental Organizations and other migrant support groups in the development of programmes and policies that ensure the respect for human rights of migrants targeting relevant government institutions and their citizens.
- To call for the collective regularisation of undocumented and clandestine migrants in Europe and provide access to open and transparent procedures that do not prejudice the type of employment.
- To encourage members States in Europe to work with the appropriate Non-Governmental Organizations in drawing up a specific regulatory framework that addresses the special vulnerable position of Migrant Domestic Workers.
- To promote the celebration of International Migrant's Day on December 18 annually as a focal point for the promotion and protection of the rights of migrants as well as the celebration of their daily contribution to society.
- To extend the mandate of the Special Rapporteur on the Human Rights of Migrants for another three years, reaffirming the legal framework that was established by the United Nations Commission on Human Rights in 1999 and calling on all Member States to cooperate in the fulfilment of her mandate.
